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THE 22nd ANNUAL JUDGES CONFERENCE
(27TH JANUARY TO 30th JANUARY 2020)

**A REPORT OF THE COURT OF APPEAL
FOR THE YEAR 2019**

PRESENTED

BY

THE HON. THE DEPUTY CHIEF JUSTICE

JANUARY, 2020

The Hon. The Chief Justice,
The Hon. The Minister of Justice and Constitutional Affairs,
The Hon. Attorney General,
The Hon. The Principal Judge,
The Hon. Justices of the Supreme Court,
The Hon. Justices of the Court of Appeal,
The Hon. The Judges of the High Court,
The Heads of Ministries, Departments and Agencies
Your Worship, The Chief Registrar,
The Permanent Secretary/Secretary to the Judiciary,
Your Worships,
Distinguished Guests,
Ladies and Gentlemen.

1.0 EXECUTIVE SUMMARY

The report reflects on the various activities carried out during the period under review (1st January to 31st December 2019). The report highlights the core activities of the Court, the performance levels, the success stories and challenges as well as strategies and recommendations towards improved service delivery. The Report also presents the caseload for the Court and staffing levels of the various cadre.

2.0 MANDATE OF THE COURT OF APPEAL

The Court of Appeal of Uganda is established under Article 134 of the Constitution with a duo mandate: it hears and determines both criminal and civil appeals from the High Court, the Court Martial Appeal Court and most of the Administrative Tribunals. It also has original jurisdiction in determining constitutional petitions as well as counteractive jurisdiction through determining constitutional references (from other courts). Appeals from this court go to the Supreme Court.

When sitting as a Constitutional Court the Court sits in corams of Five Justices but when sitting as a Court of Appeal it is constituted in corams of three Justices. The Court is the second highest court in Uganda and is headed by the Deputy Chief Justice.

2.1 STAFF/ HUMAN RESOURCES

Justices of Appeal

The approved structure for the Court is 15 Justices. Currently however the Court has a total of 14 justices (including the Deputy Chief Justice) 03 of whom are still handling other assignments outside the Court. Considering the overwhelming pending caseload of 7,527 cases and the filing rate of about 1,541 cases per year, this number of justices is still not enough to deal with the workload.

JUSTICES OF COURT OF APPEAL

1. Hon. Justice Owiny-Dollo, DCJ
2. Hon. Justice Kenneth Kakuru, JA
3. Hon. Justice Geoffrey Kiryabwire, JA
4. Hon. Justice Fredrick Egonda- Ntende, JA
5. Hon. Lady Justice Elizabeth Musoke, JA
6. Hon. Justice Cheborion Barishaki, JA
7. Hon. Lady Justice Hellen Obura, JA
8. Hon. Lady Justice Catherine Bamugemereire, JA
9. Hon. Justice Stephen Musota, JA
10. Hon. Justice Christopher Madrama, JA
11. Hon. Justice Kibeedi Muzamiru Mutangula, JA
12. Hon. Lady Justice Irene Mulyagonja, JA
13. Hon. Lady Justice Monica Mugenyi, JA
14. Hon. Justice Remmy Kasule, Ag. JA

The following Justices were recently elevated to the Supreme Court:

1. Hon. Justice Ezekiel Muhanguzi, JSC
2. Hon. Justice Percy Night Tuhaise, JSC

REGISTRARS

During the year 2019, the Court had the following Registrars:

1. Hw Philip Odoki, Registrar, CoA
2. Hw Dr Agnes Nkonge, Deputy Registrar
3. Hw Jesse Byaruhanga, Deputy Registrar
4. Hw Ayebare Tumwebaze, Assistant Registrar

Hw Odoki Philip and Hw Byaruhanga Jesse were appointed Judges of the High Court. We congratulate them upon their elevation. Hw Dr. Agnes Nkonge was transferred to Commercial Division of the High Court. We wish her the best in her new assignment.

Currently the Court has no substantive Registrar, it has a caretaker Assistant Registrar assisted by a Chief Magistrate on Assignment as Acting Assistant Registrar. These are **Hw Ayebare Tumwebaze**, Acting Registrar, CoA and **Hw Mary Babirye**, Acting Assistant Registrar, CoA, while **Hw Peter Fred Lochomin**, is the Personal Assistant to the Deputy Chief Justice and is also in charge of Appellate Mediation.

SUPPORT STAFF

Court of Appeal has 114 support staff as follows:

Secretaries			
1.	Kachope Maria	8.	Tumushabe Costance Kate
2.	Akidde Brenda	9.	Kamyuka Florence
3.	Tindimwebwa Mellious	10.	Nayiga Juliet
4.	Logose Catherine	11.	Arem Betty
5.	Padere Oliver	12.	Nalwoga Alice
6.	Nalubega Hadijjah	13.	Seerah Catherine
7.	Mutebi Marvin	14.	Kabengyere Lilian

Systems Administrators		Office Supervisor	
1.	Bbossa Isaac Sserunkuma	1.	Nandawula Caroline
2.	Bwambale Josart		

Librarian		Cashier	
1.	Arube Joseph	1.	Omaruk Charles

Transcribers	
1.	Ampiire Evelyn
2.	Nakimuli Harimah
3.	Nabwami Hajarah

Research Officers			
1.	Nankanja Catherine	7.	Nakawuki Teddy
2.	Kyomugishsa Prima	8.	Namata Gertrude
3.	Mugisha Brenda Jackyline	9.	Mugimba Carolyne s
4.	Nakkazi Juliet Ruth	10.	Akello Rebecca
5.	Wangulo Enock	11.	Nabyangwe Annah
6.	Mukanza Brenda Apoffy	12.	Nasasira Alison

Records Officers			
1.	Kabagenyi Pelize	4.	Onegi Rubanga Peter
2.	Nnanyunja Sarah Ellon	5.	Namaganda Sarah
3.	Wamalwa Moses	6.	Matsande Meresi

Clerical Officers			
1.	Atwine Charity	4.	Nanyanga Suzan
2.	Apio Jane Omoding	5.	Kikonyogo Geoffrey
3.	Mboliya Amin Abale	6.	Kaggwa Najjibu

Process Servers			
1.	Nabwire Eunice	5.	Oyella Lillian
2.	Nayiga Ziddy	6.	Ariko Simon Peter
3.	Atuhaire Immy	7.	Kyambadde Ali
4.	Agaba Frank	8.	Okoth John Paul
		9.	Nabiryo Teopista

Office Attendants			
1.	Twinomugisha Judith	10.	Namutebi Allen
2.	Nakazibwe Maria	11.	Nalugwa Sarah
3.	Kiganda Matiya Mujumba	12.	Mirembe Namale Joan
4.	Katooko Tolofisa	13.	Nandudu Eseeri
5.	Wateya Emmanuel	14.	Nambula Bridget
6.	Nabadda Stella	15.	Acheng Lucy
7.	Nalwanga Rose	16.	Kirunda Sanon
8.	Nsasira Jovia	17.	Kalema Musa
9.	Arinaitwe Rebecca	18.	Akumu Costance
		19.	Abullo Rebecca
Police Escorts			
1.	Aryatuha Alison	13.	Sebada Esawo
2.	Sabaidu Sam	14.	Yeko Silas
3.	Wednesday Methodius	15.	Odora Bonny
4.	Alira Ceasar	16.	Andruma Stephen Jada
5.	Aloyo Jannefer	17.	Wakabi Charles
6.	Sempala George	18.	Wajokerana Robert
7.	Kiprotani Ashum	19.	Orech Edward
8.	Okerenyanga Sam	20.	Wakhata Vincent
9.	Omara Ambrose	21.	Isabirye Fredrick
10.	Okwi Moses	22.	Otengei Jasper
11.	Olanya Boniface	23.	Omiro Fred
12.	Obong Jacob Opio	24.	Ongom Anthony
Drivers			
1.	Ssempebwa Fred Matovu	9.	Mwesigwa Pascal
2.	Lukungu Isa	10.	Ayiego Moses
3.	Egessa Jackson	11.	Okiror William
4.	Semakula Vincent	12.	Odyer Denish
5.	Kibirige Yusuf	13.	Nzabona Robert
6.	Kiiza Julius	14.	Senteza Edison
7.	Kisibo Twaha	15.	Ayikanying Wilfred
8.	Komakech Julius	16.	Kawooya William

The Total number of support staff was 114

3.0 REGISTRIES OF THE COURT

The Court has four (4) Registries namely;

1. The Civil Appeals Registry
2. The Constitutional Court Registry
3. The Criminal Appeals registry
4. The Mediation Registry

3.1 Civil Appeals Registry

The Civil Appeals Registry is headed by the Acting Assistant Registrar, Her Worship Mary Babirye, supported by 15 support staff. The registry is one of the most organized court registries in Uganda having been re-organized by International Justice Mission which has made it easy to retrieve files timely.



Part of Civil Appeals Registry at the Court of Appeal

3.2 Constitutional Court Registry

The Constitutional Court Registry is currently sharing the same room with the Civil Registry due to lack of space. Although separate Registers are kept for each Registry, both are manned by the same staff. It is hoped that in future the two registries will be separated for proper business management.



Constitutional Court Registry

3.3 Criminal Appeals Registry

The Criminal Appeals Registry is headed by the Assistant Registrar, His Worship, Ayebare Tumwebaze, assisted by 10 other support staff. The Registry requires more space to house both the active, pending and completed Appeal files.



Criminal Appeals Registry at Court of Appeal

3.4 Appellate Mediation Registry

Appellate Mediation was recommended by the Judiciary Case Backlog Monitoring Committee as a Backlog Reduction Strategy at the Court of Appeal.

The Appellate Mediation Registry was opened at the Court in 2018. Hon. Justice Geoffrey Kiryabwire is in charge of the implementation of Appellate Mediation at the Court of Appeal/Constitutional Court.

The Registry receives and handles files from other Registries recommended by the Court for mediation and processes the mediation exercise.

1.0. PERFORMANCE OF THE COURT OF APPEAL FOR 2019

1.1. Comparison between Court of Appeal performance for the Year 2019 and that of the Year 2018.

1.1.1. Overall Court Performance

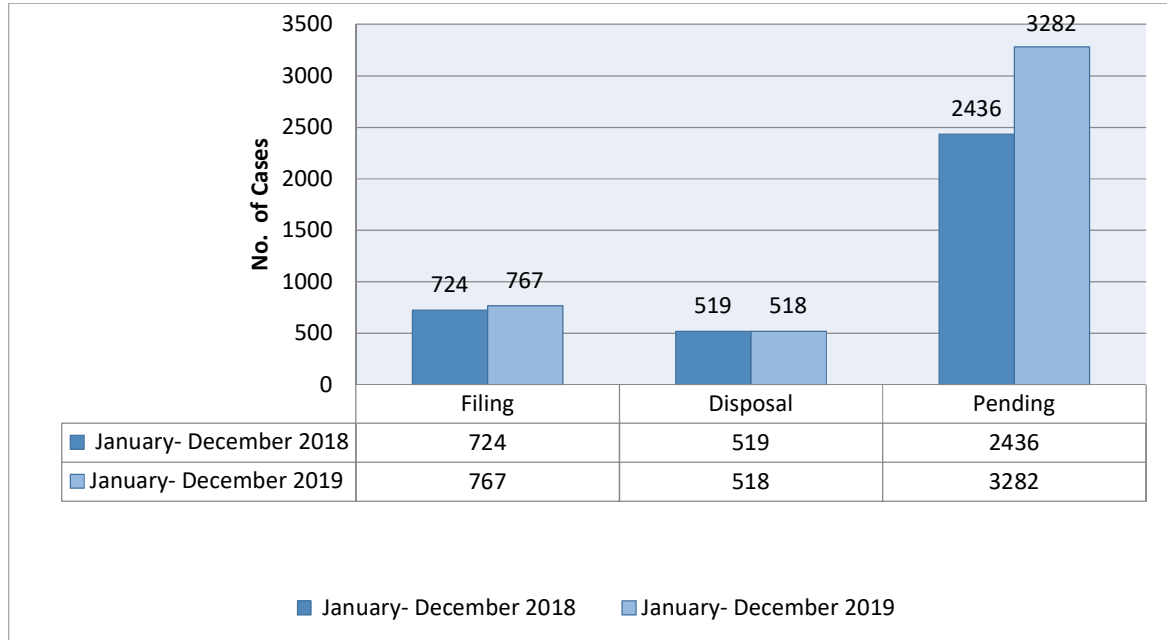
S/N	Year	Brought forward	Filed	Completed	Pending
1	2019	7,407	1,541	1,421	7,527
2	2018	7,302	1,323	1,218	7,407

Source: Monthly Case Returns.

- The Court of Appeal recorded an increase in the number of cases registered from 1,323 in the year 2018 to 1,541 cases in the year 2019, hence reflecting a 36% increase.
- An increase in the number of completed cases was also recorded from 1,218 cases in the year 2018 to 1,421 cases in the year 2019.
- The improvement in Case Disposal was due to the backlog reduction sessions, weeding out sessions, and mediation sessions among other factors.
- The Court disposed of a total number of **1,421 cases** as compared to **1,218 cases** in 2018. This disposal rate was well above the planned 2019 annual target of **996 cases**. This was in spite of the limited manpower and resources at hand.
- The above disposal rate means that each Justice completed **118 cases** during the year 2019 and therefore each coram completed an average of **354 cases**.

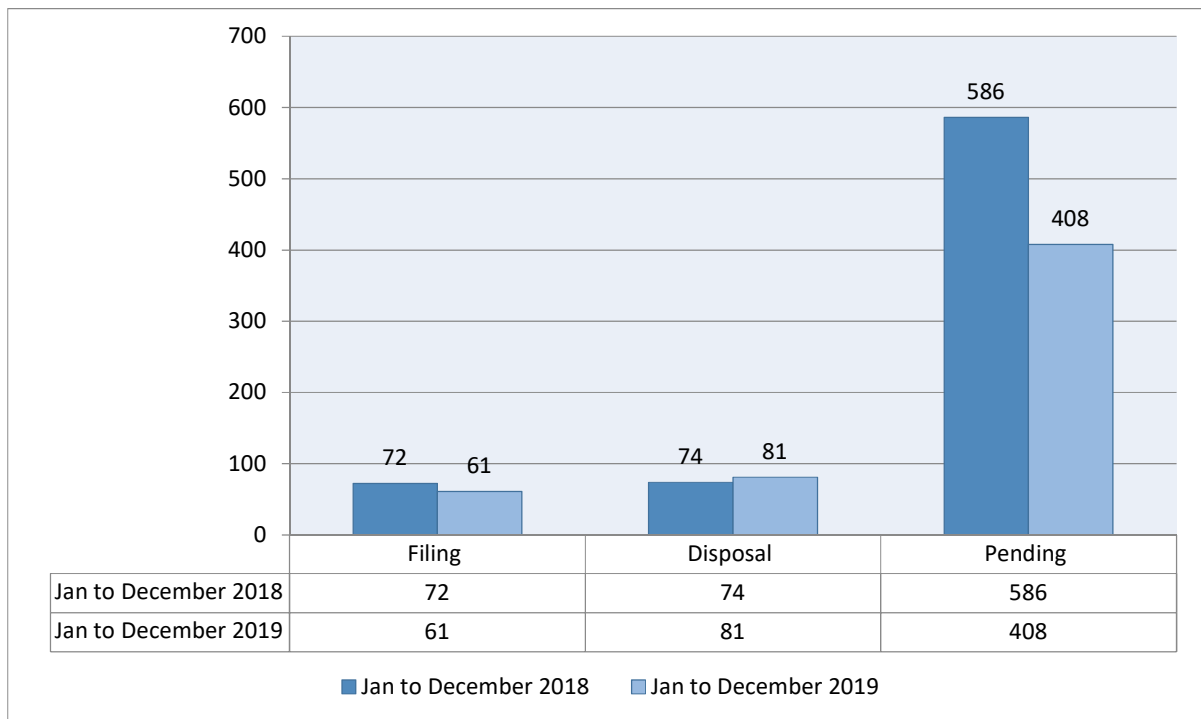
Table 1 Comparison of the overall performance of the Court of Appeal for the years 2018 and 2019.

1.1.2. Civil Matters



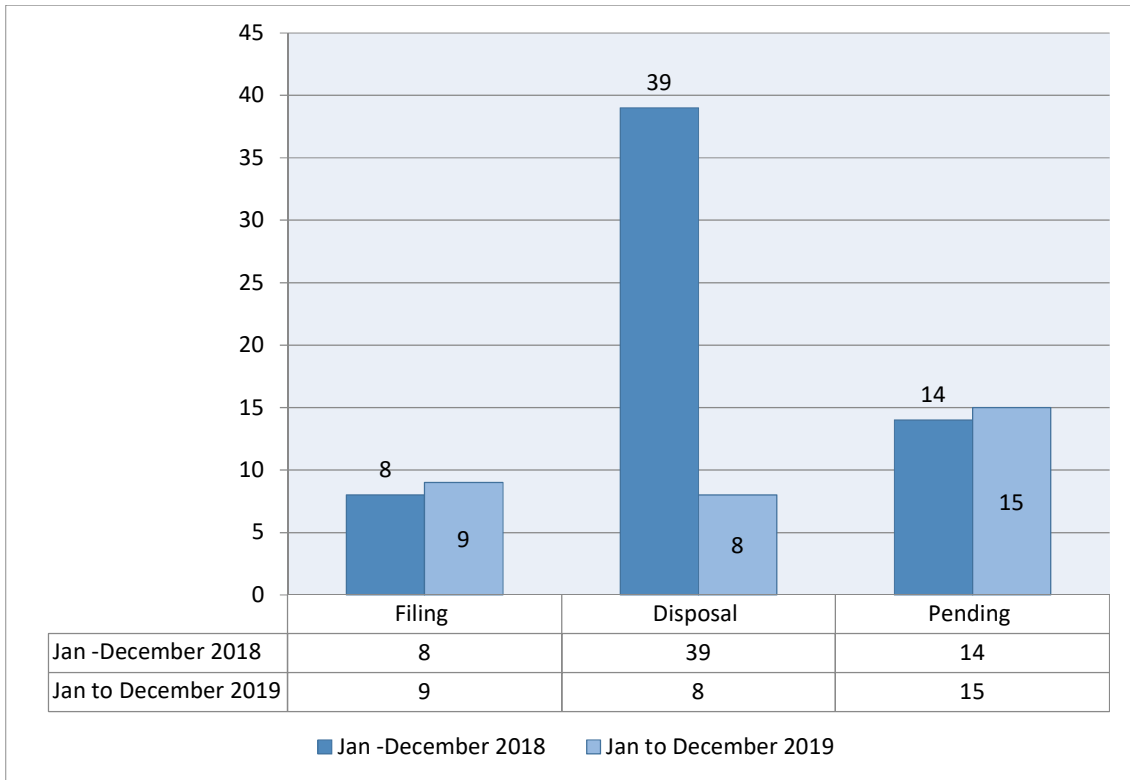
- There was no significant difference between the number of Civil Matters completed in the year 2019 (518) and those completed in year 2018(519). This can be attributed to the Court having maintained the same strategies for Case Disposal and the same number of Justices for the year 2019 and 2018.
- Filing of civil matters increased by forty-three (43) matters from 724 in the year 2018 to 767 civil matters in 2019.
- The Court continues to grapple with an increasing number of Civil Matters having recorded 3,282 pending civil matters as at 31st December 2019 as compared to 2,436 matters recorded on 31st December 2018.

1.1.3. Constitutional Matters



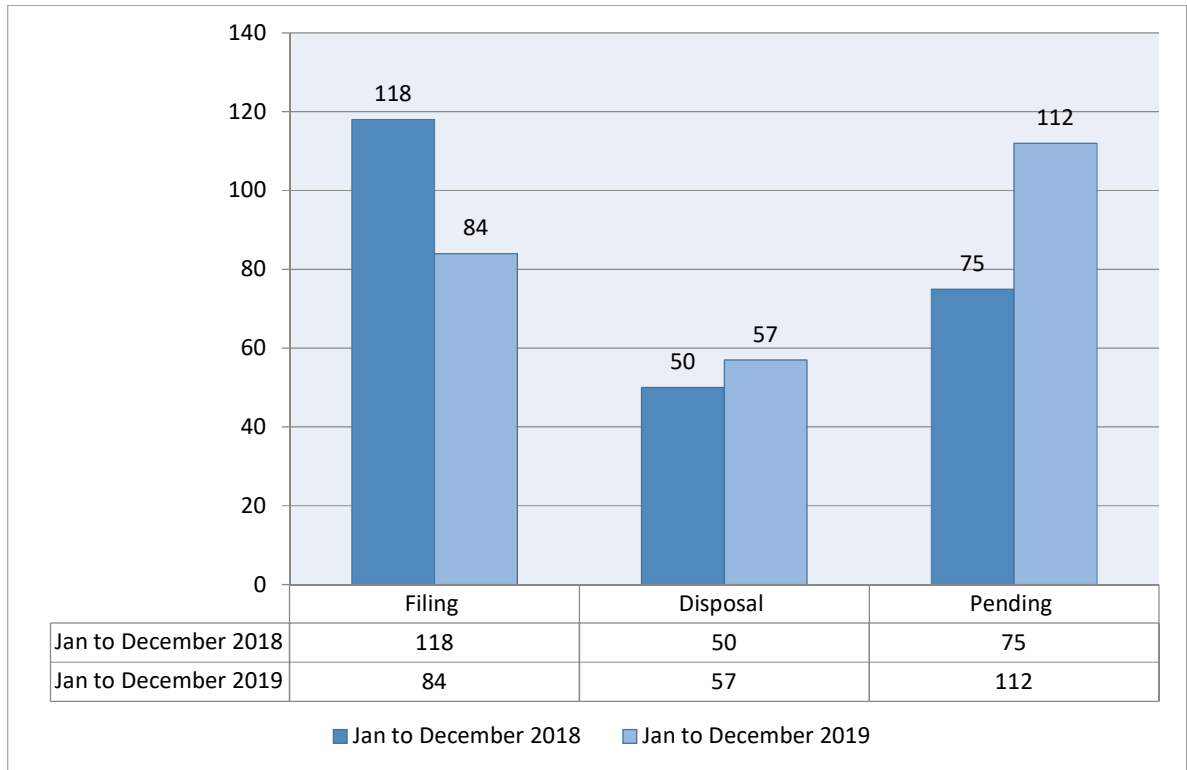
- The Court disposed of a higher number of Constitutional Matters in the year 2019 as compared to the year 2018. One of the reasons for this performance is because of the special session for Constitutional Matters held in May-June 2019.
- Filings declined in the year 2019 (61 matters) as compared to the year 2018 (72 Matters). In regard to pending Constitutional Matters, a decrease (by 178 matters) was recorded as at 31st December 2019 compared to 31st December 2018.

1.1.4. Election Matters



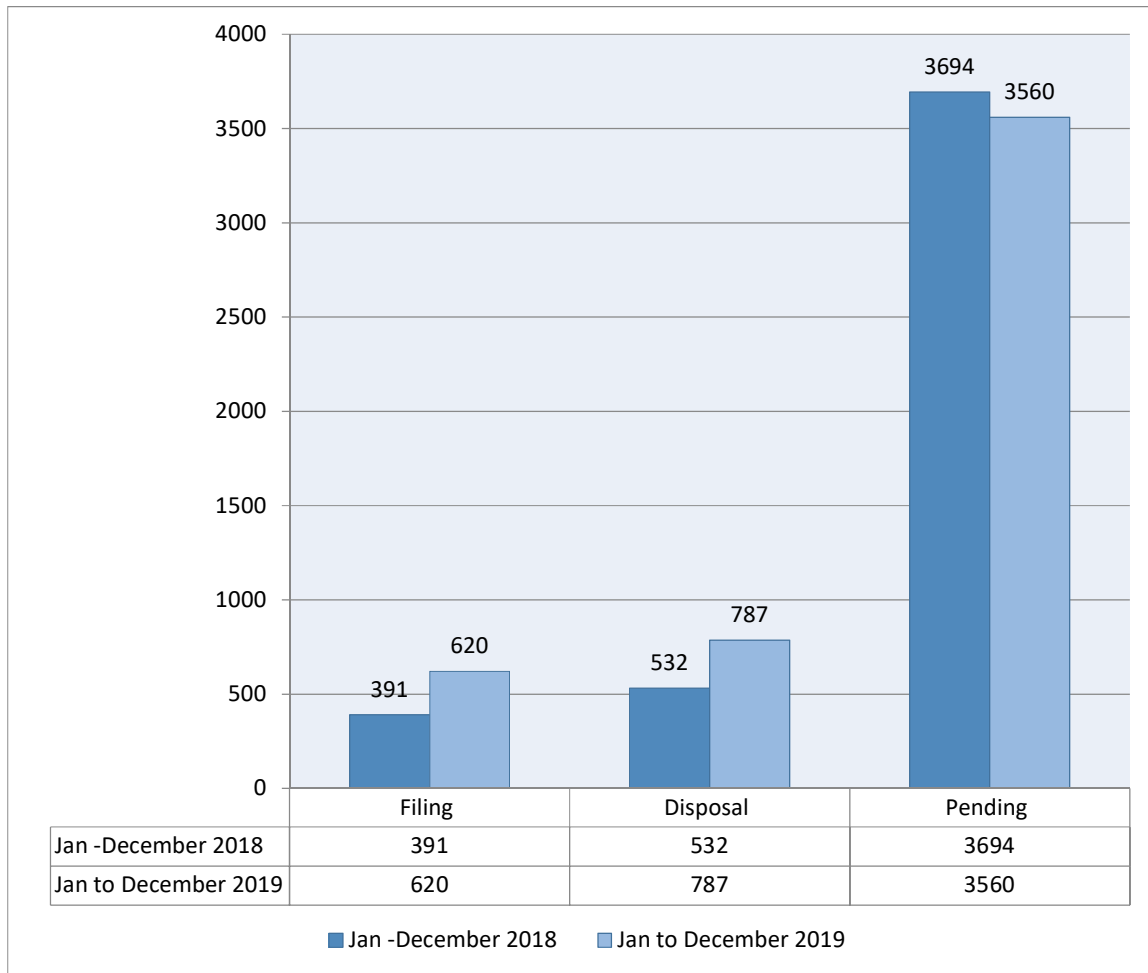
- In comparison to the year 2018, there was a significant decrease in disposal of Election Matters in the year 2019 which can be explained by the fact that the Court did not hold any Special Session for Election Matters in the year 2019.
- The Court did not record a significant change in the number of Elections Matters filed in the year 2018 (9) from those that were filed in 2018 (8).
- The few petition appeals registered are a result of the bye-elections and other elections in the newly created constituencies.

1.1.5. Appellate Mediation



- Appellate Mediation was introduced at the Court of Appeal to fast track the resolution of Civil Disputes and reduce on the Civil Case load.
- During the year 2019, the Court registered 84 matters for mediation compared to 118 appeals that were handled the previous year.
- The court managed to dispose of 57 mediation matters in 2019 compared to 50 matters in 2018 hence registering an increase by 14% in the number of cases completed in the year 2019 under mediation as compared to the year 2018.

1.1.6. Criminal Appeal Cases



- The Court recorded an increase in criminal appeals filed and disposed of; followed by a decrease in the number of pending Criminal Cases during in the year, 2019 as compared to the year 2018.
- In the year 2019 the Court of Appeal conducted 8 Backlog Clearance session which contributed sizeably to the overall Case Disposal of Criminal Cases.

1.2. Comparison of performance along other Key Performance Indicators.

CASE CATEGORY	Completed	Jan - December 2018	Jan - December 2019
CRIMINAL CASES	Backlog cases completed	359	592
CIVIL MATTERS	Backlog cases completed	278	286
CONSTITUTIONAL MATTERS	Backlog cases completed	59	73
ELECTION PETITION MATTERS	Backlog cases completed	5	3
	TOTAL	701	954

Backlog category of cases are those which spend two or more years in the court system before being disposed of. For clarity all cases that were filed before 01/01/2018 and had not been completed by 31/12/2019 are classified as backlog.

In the year 2019 the Court of Appeal conducted a series of Backlog Clearance sessions which contributed sizeably to the overall case disposal of backlog cases up to a total of **954 cases** out of the overall disposal of **1,421 cases**.

5.0 KEY ACHIEVEMENTS FOR THE YEAR 2019

a) Increase in the rate of case disposal

The Court managed to **dispose of a total number of 1,421 cases** as compared to 1,218 cases in 2018. This disposal rate was well above the planned 2019 annual target of **996 cases**.

We consider this to be a great achievement for the Court grappling with limited manpower and resources. The Court sits in Corams of three and five while hearing appeals and Constitutional matters respectively.

We suggest and recommend that the number of Justices therefore be increased to at least 30, bearing in mind the 7,527 cases that were pending at the close of the year and the average of 1,541 new cases registered each year.

b) Increase in the number of Court sessions

There was an increase in the number of sessions from **11** in 2018 to **12 sessions** in 2019. A total of 08 criminal appeal sessions, 03 Civil Appeal Sessions, and 01 Constitutional Session were held during the year. This led to an increase in the number of cases disposed of from **1,218** in 2018 to **1,421** in 2019. This is hence an increase of 203 cases.

c) Construction of Court of Appeal Premises

We are delighted to know that the Government of Uganda has released funds towards the construction of a permanent home for the Court of Appeal and Supreme Court. The groundbreaking ceremony performed was in December 2019 and construction is planned to commence this Month. This project will not only provide the much desired shelter for the Court, but will also save colossal funds that have been painfully spent on renting unsuitable premises for over two decades.

d) Installation of Biometric Time Attendance Machines

Biometric Time Attendance Machines have been installed at the Court. Since the installation of these devices, staff supervision has been greatly improved and staff attendance and time keeping has greatly improved.

6.0 CHALLENGES

Much as we registered a number of achievements as highlighted herein, there are various challenges the court is experiencing that impede justice delivery.

6.1 Limited Manpower

6.1.1. Justices

Whereas the court has received 03 more Justices and the number of Justices has increased from 13 to 14, two of the newly appointed Justices are still concluding up assignments of the previous docket and therefore not yet fully available for the Court business at this court. Even when they become available, the caseload requires much more manpower than that at hand.

6.1.2. Registry

At the moment the Court has no substantive Registrar. Out of the approved 5 Registrars who are required to man the Court business, only two acting Registrars are currently available. This has a tendency to over work them and compromises quality and efficiency.

6.1.3. Support Staff

In addition to manpower gaps in the support staff cadre, a sizeable number of them. In particular all Research Officers are perennially on contract. The meagre pay, coupled with lack of career progression and job security are a motivation for nominal output and high staff turnover.

6.2 Infrastructure

The Court is still housed at Twed Towers as tenants which is not only costly for the Judiciary, but also poses a security risk for the staff since the premises is shared with the public. There are no holding cells for prisoners and the Justices share corridors and lifts with the litigants, advocates and the public.

6.3 Funding

The funding of the Court of Appeal activities is not sufficient. The funds are always released in the second month of the quarter which negatively affects Court performance. JLOs funds sometimes arrive in the last month of the quarter which makes planning and execution of activities very difficult.

6.4 Transport

The court lacks sufficient transport facilities especially for the Registrars and the staff, mostly, the Process Servers. There is need for provision of vehicles for the Registrars and for facilitation of internal and external court sessions as well as motorcycles for process servers.

6.5 Office Equipment

There is shortage of office space and computers at the Court. The Research Assistants do not have computers, and have no quiet environment in which to handle their delicate assignments.

6.6 Shortage of Infrastructure

The Criminal Registry at the Court is very congested. Files are littered all over. There is need for space and shelves to have an organized registry that reflects the good image of the Court and eases access to justice by the court users.

6.8 Need for Legal Framework for Appellate Mediation

Appellate Mediation is still being conducted under a restrictive legal framework at Court of Appeal. There is need for Rules of Procedure to guide its implementation and enhance output, just like in the High Court and the subordinate courts.

More still, the concept of Appellate Mediation is not appreciated by many people. This is due to inadequate training and sensitization of Judicial Officers, Court Administrators, advocates and members of the public on how Appellate Mediation works.

7.0 STRATEGIES TO IMPROVE PERFORMANCE

- a) There is need to hold more in-house and regional sessions in order to fight the case backlog pandemic.
- b) There is need to improve on the use of ICT by both litigants and court staff in order to bridge communication gaps and enhance efficiency. There should also be improvement in the application and use of CCAS (and eventually ECCMIS).
- c) The Judicial officers should innovate time saving judgment writing skills, such as:
 - i. writing short judgments and rulings;
 - ii. application of uniform principles to similar cases, especially in sentencing and while determining constitutional matters;
 - iii. consolidation of appeals and constitutional matters on related subjects.
- d) The Court has also adopted better case management strategies such as:
 - i. applications are fixed and heard along with the main case in civil matters;
 - ii. reduction in cases heard by single Justices, so as to reduce on the chain of the appeal process;
 - iii. holding of more weed-out sessions.
- e) There is also need for the Justices to be left to devote more time to the hearing of cases and writing of judgements rather than concentrating on non-core activities.

8.0 RECOMMENDATIONS ON IMPROVING PERFORMANCE

Given the Court's current overwhelming workload and backlog, there is need to urgently address the following areas;

- a) The number of Justices should be increased to cope with the ever increasing caseload and backlog.

- b) At least Four Registrars should be deployed to manage the enormous Court business.
- c) More funds should be timely availed to the Court to facilitate more internal and up-country sessions.
- d) The law on appellate mediation should be put in place and funds should be provided to facilitate the exercise.
- e) There is need for deliberate training and sensitization of judicial officers, court staff and court users on the tenets and benefits of appellate mediation.
- f) As we await the construction of the Court premises, some space should be improvised for archiving of old casefiles.
- g) Vehicles should be purchased to facilitate court work. Motorcycles should be provided to facilitate service of court process. Computers and internet services should be provided to ease research and case management.
- h) All Research Officers and other support staff should be appointed on permanent and pensionable terms.
- i) The Judiciary will this year start the process of enrolling courts onto the data base of Electronic Court Case Management Information Systems (**ECCMIS**) which is expected to improve case management, minimise corruption and offer time-bound justice at a lesser cost.

ECCMIS is expected to facilitate litigants to access court services in the comfort of their homes and offices. Cases will be filed electronically and feedback will be given in the same way. Assessment and payment of Court fees will equally be done electronically as well as exchange of documents between litigants and the courts. This will also alleviate on the challenges of shortage of Registry and archival space.

9.0. APPOINTMENT AND ELEVATION OF JUSTICES

- a) I am pleased to report that two of the Justices of the Court were recently elevated to the Supreme Court. We congratulate their Lordships; **Hon Justice Ezekiel Muhanguzi** and **Hon Justice Percy Tuhaise** for this milestone. Their promotion not only points to their excellent performance, it also lauds the Court that has mentored them to be great indeed.

- b) At the end of last year, 2019, the Court was delighted to receive the following newly appointed Justices:
 - i. Hon Justice Muzamiru Kibeedi
 - ii. Hon Justice Irene Mulyagonja
 - iii. Hon Justice Monica Mugenyi

I congratulate their Lordships upon their appointment and take this opportunity to welcome them to the Court of Appeal. We are hopeful that their work at the Court will drive the Court to enhanced and tremendous results.

8.0 CONCLUSION

I thank the Honourable Justices, the Registrars, the support staff and the various stake holders for the hard work, teamwork and dedication which has enabled us to achieve the beautiful results during the previous year. I trust that this year we shall perform even better.

I thank the Administration and the Development Partners who have facilitated the activities of the court. I also thank the Almighty God for enabling us to perform our duties.

It is imperative that the Court should be sufficiently and effectively tooled to enable it fulfill its Constitutional mandate.

I wish all of you the best during the New Judicial Year we have already started. **FOR GOD AND MY COUNTRY**

Alfonse C. Owiny-Dollo
DEPUTY CHIEF JUSTICE